Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Accessibility of User Interfaces, and	)	MB Docket No. 12-108
Video Programming Guides and Menus	)	

REPLY COMMENTS OF CTIA-THE WIRELESS ASSOCIATION®

Michael F. Altschul
Senior Vice President and General Counsel

Scott Bergmann
Vice President, Regulatory Affairs

Krista Witanowski
Assistant Vice President, Regulatory Affairs

Matthew B. Gerst
Director, State Regulatory and External Affairs

CTIA-The Wireless Association®
1400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036
(202) 785-0081

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I. INTRODUCTION AND SUMMARY

CTIA-The Wireless Association® ("CTIA")[1/] hereby submits these reply comments in response to the Notice of Proposed Rulemaking ("*NPRM*") in the above-captioned proceeding.[2/] The wireless industry appreciates the opportunity to comment in this proceeding and applauds the Commission's efforts to ensure the accessibility of user interfaces and video programming guides and menus for all consumers.

CTIA and its member companies support the Commission's efforts to make user interfaces and video programming guides and menus for the display or selection of multichannel video programming accessible to individuals who are hearing or visually impaired. In crafting the rules to implement Sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA" or "Act"), however, the Commission must bear in

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1/ CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization includes Commercial Mobile Radio Service providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

2/ *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Notice of Proposed Rulemaking, MB Dkt. No. 12-108, FCC 13-77 (rel. May 30, 2013) (*"NPRM"*).

mind that the technological challenges associated with designing and implementing such accessibility features within the wireless ecosystem are complex, and that they are distinct from the challenges faced by making accessible those features and functions on apparatus that are designed for conventional viewing of multichannel video programming. To the extent that the new rules will apply to a wide variety of devices that serve multiple functions, the Commission's rules must allow manufacturers and service providers the greatest possible flexibility to maximize users' experiences in diverse viewing environments. In addition, CTIA urges the Commission to find:

- Covered entities need maximum flexibility to implement accessibility mandates;
- Section 204 covers only user functions used to receive and display video programming.
- The Commission's rules should assign appropriate compliance responsibility consistent with the FCC's overall implementation of the CVAA, and
- The Commission should adopt a three-year phase in of all rules implementing Sections 204 and 205 of the CVAA.

As Congress anticipated and as the initial comments confirm, there can be no "one size fits all" approach. The Commission's rules should seek to recognize and embrace diverse approaches to accessibility solutions.

II. COVERED ENTITIES NEED MAXIMUM FLEXIBILITY TO IMPLEMENT ACCESSIBILITY MANDATES

As many initial commenters observe, in crafting new rules to govern the accessibility of user interfaces and video programming guides and menus, the Commission must adhere to the statutory mandate that its implementing regulations provide covered entities with the "maximum flexibility to select the manner of compliance" with the Act.[3/] Indeed, "[a] central tenet of the

[3/] Pub. L. No. 111-260, § 205(b)(5), 124 Stat. 2751, 2775 (2010); *see also* §204(c) ("Alternate Means of Compliance- An entity may meet the requirements of section 303(aa) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (b) if the requirements of those sections are met, as determined by the Commission.").

CVAA is that covered entities should be given flexibility as to how to comply with its terms."[4/] As noted by DIRECTV, "Congress could not have been clearer on this point," as Section 204 "directs the Commission to implement navigation device accessibility requirements flexibly no less than four times," while Section 205 "twice directs the Commission to provide regulated entities the 'maximum flexibility' to determine the manner of achieving compliance."[5/]

In drafting the CVAA, Congress recognized that consumers are best served when manufacturers and service providers are encouraged to innovate and seek out creative solutions to accessibility challenges.[6/] As Comcast explains, "experience has confirmed the importance of flexibility in enabling accessible features in video products and services. Such flexibility is particularly critical given the dynamic nature of the technology that underlies many of these features."[7/] To "fulfill Congress' commitment to [blind and visually impaired] consumers, the Commission should ensure that equipment manufacturers, software developers and MVPDs have the discretion to implement accessibility features and functions without having their hands tied by technology mandates."[8/]

4/ Comments of AT&T ("AT&T") at 12; *see also* Comments of Verizon and Verizon Wireless ("Verizon") at iii ("Congress decided that the most effective way to accomplish this goal is to allow equipment manufacturers, software developers and Multichannel Video Programming Distributors (MVPDs) maximum flexibility in designing and developing accessibility solutions for such equipment." Comments of the American Cable Association ("ACA") at 5 ("[I]t is important that the Commission's rules expressly provide operators the flexibility to respond to accessibility requests in the most cost-effective and efficient manner available….Such flexibility is critical under Section 205."); Comments of DIRECTV, LLC ("DIRECTV") at i ("[T]he Commission must honor Congress's call for flexibility wherever possible."); Comments of DISH Network L.L.C. and EchoStar Technologies L.L.C. ("DISH") at 6 fn. 23 ("The Commission thus must refrain from mandating any technical requirements and should be careful in all of the rules adopted in this proceeding not to unduly constrain companies' flexibility.").

5/ DIRECTV at 3.

6/ *See* DIRECTV at 3 ("These statutory directives do more than merely protect industry from overly-intrusive regulation. They also protect the visually impaired themselves from inefficient, consumer unfriendly 'solutions' imposed by regulatory fiat.").

7/ Comments of Comcast Corporation ("Comcast") at 2.

8/ Verizon at 1.

Despite this widespread understanding of Congress's clearly expressed intent, the Commission at times appears to interpret its mandate to give flexibility in a manner that directly contravenes the statute. When discussing how to implement rules regarding activating closed captioning capability, for example, the Commission asserts that allowing covered entities to choose between two specific alternatives satisfies the statute, stating that the FCC "[does] not interpret [maximum flexibility] to mean that covered entities have unlimited discretion in determining how to fulfill the purposes of the statute."[9/] But as a number of commenters point out, in creating these or other rules under the CVAA, the Commission has no authority to deviate so substantially from Congress's clear intent.[10/]

While the Consumer Groups and Telecommunication-RERC argue that giving covered entities flexibility means only that an entity "should be given flexibility as to where on a remote control the button for accessing the closed captioning control is placed, but the entity must provide a clearly labeled button on the remote,"[11/] such an interpretation has no support in the statutory language and legislative history, and the Consumer Groups cite none. Where Congress intended a specific requirement to apply, it so stated, and where, as here, it sought to allow covered entities to design the means of achieving accessibility, it made that clear. If the Commission interprets the phrase "maximum flexibility" to permit a bright-line requirement such as its "one-step activation" proposal, it will strip the statutory language of all meaning. In

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9/ *NPRM* ¶ 49.

10/ *See* Verizon at iv ("Congress directed the Commission to provide equipment manufacturers and software developers maximum flexibility to innovate in developing accessibility solutions subject to Sections 204 and 205; therefore, the Commission should not dictate how those solutions must function."); Comments of the Consumer Electronics Association ("CEA") at 19 ("Congress made clear its intention that industry must have flexibility to comply with the user control provisions for covered digital apparatus and navigation devices."); DIRECTV at ii ("Both the language and structure of Section 204 and 204 impose very specific requirements on the devices they cover. They do not afford the Commission carte blanche to adopt additional obligations.").

11/ Comments of Consumer Groups and Telecommunication-RERC ("Consumer Groups") at 11.

implementing the requirement for activating closed captioning, as well as other requirements, the Commission must adhere to Congress's specific direction.

The statute's call for flexibility also prohibits the imposition not only of technical standards and performance metrics, but also the "voluntary" performance objectives proposed by the Commission in the *NPRM*, which experience proves would amount to the prohibited standards.[12/] The CVAA makes clear that the Commission may not impose any strictures on the means by which a manufacturer or service provider achieves accessibility, including "technical standards, protocols, procedures, and other technical requirements."[13/] While guidance from the Commission on what it means to be "accessible" may be appropriate and helpful, the rules should not contain any particular standards, objectives, or other metrics. Such "voluntary" standards or performance objectives will inevitably become the standards against which covered entities' accessibility approaches are judged, and so will serve as *de facto* requirements in contravention of Congress' intent. Indeed, the American Council for the Blind's ("ACB") comments demonstrate how easily "performance objectives" could be turned into, and viewed as, regulatory requirements. ACB recognizes on the one hand that "the Commission is prohibited from promulgating technical standards," yet it urges the Commission to establish performance objectives that will create regulatory requirements for covered entities.[14/]

As many commenters explain, prescribing particular means of complying with accessibility mandates would effectively prohibit innovative solutions that may ultimately

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12/ *NPRM* ¶ 38.

13/ 47 U.S.C. § 303(aa)(1); 47 U.S.C. § 303(bb)(1).

14/ Comments of the American Council for the Blind at 12 ("In light of the constraints placed on the FCC by Congress in that the Commission is prohibited from promulgating technical standards, we urge the FCC to establish performance objectives that will ensure that the devices and software will be usable. This will require user research on the manufacturers' part. The application of current or future accessibility standards may not be sufficient. Considering the fact that these regulations must be forward-looking, performance standards that require the interface accessibility to provide "effective communication" as defined by the DOJ will suffice.").

enhance accessibility.[15/] As accessibility solutions emerge and develop, covered entities may find many different means of complying, and the rules should not attempt to drive covered entities toward particular solutions. The language of the statute makes clear that Congress' concern was the end result of accessibility, not the means by which accessibility is achieved.[16/] The Commission should give wide discretion to the judgment of manufacturers in the use of any means to achieve equality of access.

Further, there is no need for performance objectives or other standards, because the statute itself is largely self-implementing. As Verizon points out, "[t]he statute makes plain that the solution, by whatever means, must meet the standard of accessibility, and is therefore self-implementing. The Commission does not need to muddy the waters with vague standards that limit rather than encourage innovation."[17/] The language of Sections 204 and 205 clearly

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15/ *See* Verizon at 9 ("Imposing rules or guidelines may limit innovation in developing accessible equipment, to the detriment of blind and visually-impaired consumers."); AT&T at 12 ("Congress understood that the pace of technological change is too fast to dictate compliance specifications and that covered entities are in the best position to determine how best to comply without slowing down that pace."); ACA at 5 ("In implementing Section 205 of the CVAA, the Commission must refrain from adopting overly prescriptive requirements that would deprive [covered entities] of this needed flexibility in responding to accessibility requests."); Comcast at 2-3 ("Stated simply, there is no single 'right' approach for enabling such accessibility.").

16/ *See* CEA at 26 ("Sections 204 and 205 make clear that the Commission may not specify technical standards, protocols, procedures, or other technical requirements for meeting the new accessibility requirements. Forcing covered entities to comply with "voluntary" performance objectives, functional criteria, or other technical requirements would contravene this mandate."); Comcast at 2 ("[O]verly prescriptive regulations could freeze current technologies and solutions in place, hamper investment, and stymie advancement, all to the detriment of consumers."); DIRECTV at i ("Were the Commission to lock in particular approaches to meeting the statutory requirements, it could deny the blind and visually disabled community the benefits of unforeseen technological innovations that would provide a greatly enhanced video experience.").

17/ Verizon at 9; *see also id.* at 1 ("Accordingly, with the exception of a few definitional issues and timing requirements, the Commission should view Sections 204 and 205 as self-implementing, and, should adopt only minimal regulatory directions in this proceeding."); DIRECTV at 5 "[T]he basic obligation under Section 205 to provide on-screen text menus and guides that are "audibly accessible in real-time" is self-implementing.").

describes the obligations Congress' intended to create. The Commission does not need to provide interpretive guidance in the form of specific regulations.[18/]

III. SECTION 204 COVERS ONLY USER FUNCTIONS USED TO RECEIVE AND DISPLAY VIDEO PROGRAMMING

The initial comments confirm that the Commission's proposal to extend Section 204's requirement for audio accessibility of device functions used to receive and display video programming to additionally require audible accessibility of "all user functions" of a device[19/] goes well beyond the intended scope of the statute. To the extent the Commission finds Section 204 applies to tablets, smartphones, and other mobile devices, such devices have numerous functions beyond the reception and display of video programming, and the statute is clear that those functions are not subject to Section 204.

As the Information Technology Industry Council ("ITIC") points out, "Congress did not intend Section 204 to apply the entire [user interface] of such devices, but rather, only to the interface functions used to playback video programming. For example, on a PC, tablet, mobile device or gaming console, the non-video programming features of the user interface are not subject to Section 204."[20/] Similarly, the Telecommunications Industry Association argues that "[b]ecause it is clear in Section 204 that requirements under this section be limited to play back

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18/ To the extent that covered entities feel they need greater guidance on what the community considers to be the meaning of "accessible," such guidance already exists in the Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010: User Interfaces, and Video Programming and Menus (April 9, 2012) ("VPAAC Report"). The VPAAC report cannot be used as the basis for concrete requirements for compliance with the requirements of the CVAA, but does contain thoughtful discussions that covered entities may find helpful.

19/ *NPRM* ¶ 30.

20/ Comments of the Information Technology Industry Council ("ITIC") at 6. *See also* Comments of Panasonic Corporation of North America ("Panasonic") at 9 ("Panasonic believes Congress intended to limit the requirement to only the 'appropriate' functions that are necessary to control an apparatus in order to receive or play back video programming.").

video programming … it is important for the Commission to clarify that non-video programming features are not subject to Section 204."

As the Entertainment Software Association observes, "[t]he approach proposed in the Notice is broader than needed to achieve the accessibility goals behind Sections 204 and 205, which clearly are focused on video programming."[21/] Furthermore, as Panasonic points, such a broad sweeping interpretation of Section 204 and 205 is unnecessary, since many of the non-video programming features common among mobile devices are already subject to the accessibility requirements of Section 716 and 717 of the CVAA.[22/] The Commission should keep requirements imposed under Section 204 limited to video programming functions as directed by Congress.

IV. THE COMMISSION MAY NOT SPECIFY PARTICULAR FUNCTIONS THAT MUST BE ACCESSIBLE FOR VIDEO PROGRAMMING TO BE ACCESSIBLE

As several commenters point out, the Commission's tentative conclusion that the "appropriate" functions that must be made accessible under the CVAA include all user functions cannot be reconciled with the language of the statute.[23/] Section 204 requires only the accessibility of "appropriate" apparatus functions. Section 205 is even more limited, applying only to the "on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming." This limited language cannot reasonably support the broad interpretation proposed in the *NPRM*. As ITIC explains, "If Congress had intended

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21/ Comments of the Entertainment Software Association ("ESA") at 5.

22/ Panasonic at 9-10.

23/ *See* AT&T at 9 ("The Commission tentatively concludes that the 'appropriate' functions that must be made accessible under Section 204 include all of the user functions of the apparatus. This interpretation of the word 'appropriate' is overly broad.); TIA at 6 ("The Commission proposes that the appropriate functions under Section 204 include 'all user functions of the device.' After careful evaluation, TIA believes that such a sweeping interpretation by the Commission could not be justified unless the phrase 'all functions' were in the law – such is not the case.").

such an interpretation, they would not have used qualifying language in the Act."[24/] Instead, Congress made clear that it must be left up to the covered entity to determine which functions must be accessible to achieve the required programming accessibility.

While the VPAAC report identified a list of eleven functions that the Committee found "essential to the video consumption experience,"[25/] that report reflects only the result of a review done at a specific moment in time, and cannot be the basis for ongoing rules applicable to a wide range of devices and services. Even today, to the extent that Section 204 applies to multi-function mobile devices, the VPAAC list of "essential functions" may not always be applicable. In some cases, the list of "essential functions" may be appropriate on a mobile device; in other cases the suggested functions may be too limited or too broad. Given the incredible diversity of mobile devices and other digital apparatus on the market today, it makes very little sense for the Commission to adopt an enumerated list of functions that must be made accessible. What matters is whether the *video programming* itself is accessible. CTIA agrees with commenters that manufacturers themselves are best positioned to determine which of their devices' particular functions are necessary to properly receive and watch video programming.[26/] As Comcast explains, "there are many different ways to provide the kinds of accessibility features that Congress envisioned when it enacted the Accessibility Act. The Commission's policies should allow providers flexibility in achieving the desired ends."[27/] Keeping the standard as Congress stated in the statute allows the rules to keep pace with technological changes.

24/ ITIC at 4.

25/ VPAAC Report at 7.

26/ *See* CEA at 14 ("As a practical matter, because manufacturers design and determine the functionality of the products that they sell, under the terms of the statute the Commission should afford manufacturers discretion in determining the functions that are 'appropriate functions' of covered digital apparatus to be made accessible pursuant to Section 204."); DISH at 5 ("Mandating accessibility for the VPAAC list of functions is unnecessary and could hinder innovation.").

27/ Comcast at 7.

Moreover, as AT&T and others observe, the intent of Sections 204 and 205 is "to provide equal access, not to require the inclusion of specific functions in a digital apparatus or navigation device."[28/] If an apparatus does not use all of VPAAC's eleven identified functions in its normal operations, or any other functions that the Commission identifies as "essential," Section 204 does not give the FCC authority to require a manufacturer to add any missing function to the device. Panasonic correctly points out that "some devices may not need to support all of these eleven functions. "[29/] Because many mobile devices operate outside the parameters of the VPAAC's eleven essential functions, CTIA agrees with CEA that "a given function should not become a requirement for all apparatus merely by virtue of its inclusion on the list of essential functions, because certain functions may not be provided on a device for any user."[30/]

V. THE COMMISSION'S RULES SHOULD ASSIGN APPROPRIATE COMPLIANCE RESPONSIBILITY CONSISTENT WITH THE COMMISSION'S OVERALL IMPLEMENTATION OF THE CVAA

As many commenters observe, it would be irrational to hold device manufacturers liable for the accessibility compliance of any components over which they have no control. While such entities should be liable for the hardware and any software they manufacture, they cannot control software provided by third parties, and should not be liable for its accessibility.[31/] Where there is no practical way to ensure that such software is accessible, or that its accessibility features and

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28/ AT&T at 12.

29/ Panasonic at 10 ("For example, 'display configuration info' does not apply to a device that lacks a display to configure (*e.g.* digital video source device without a screen), and 'input selection' would not apply to a device that lacks a video input jack (*e.g.*, a device with only a wireless connection).

30/ CEA at 15.

31/ *See* CEA at 25 ("Manufacturers of digital apparatus and navigation devices should not be responsible for the accessibility of third-party applications downloaded and installed by users after sale."); ESA at 3, fn. 10 ("[W]e agree with the Commission's tentative conclusion that manufacturers of apparatus or devices should not be responsible for 'third-party applications that a customer downloads or installs.'").

functions will be compatible with all devices and services, it is irrational to expect manufacturers to be liable for its compliance.

There are thousands of software upgrades and applications available for use on a wide variety of devices, and those software and applications are changing continuously. Device manufacturers generally do not participate in the design or development of such software or applications, nor in any testing of such products on various devices. This is especially true in the video world, where the availability of new services and content is exploding. There are many different video options in the ecosystem, and covered entities may not even be aware of their existence or how consumers are using their devices. Ensuring that such software is accessible on every possible device would require extensive coordination between entities that have – at best – an arm's length relationship (and in many cases no relationship at all). The National Cable & Telecommunications Association describes the extent of this problem, stating:

> Cable operators are developing different apps designed to operate on a variety of devices and operating systems. While some of those devices and operating systems may have accessibility features or functions, many devices may not have the technical capability to support 'talking' on-screen menus and guides. For example, certain features of an application may not be able to function on an older operating system or the application may be unable to receive necessary updates to such features. Moreover, other types of changes might adversely affect the accessibility of an operator's application. For example, customer-owned devices get operating system, firmware, software, and other updates that sometimes 'break' applications.[32/]

Moreover, even if the accessibility features and functions of an application are initially compatible with a device, there is no assurance that they will continue to be compatible following updates to applications or devices. When an app developer updates its software, there is generally no notice to or coordination with device manufacturers or service providers whose products may be used to operate the app. Device manufacturers and service providers cannot be

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[32/] Comments of the National Cable & Telecommunications Association at 9-10.

held responsible for the continued functioning of any particular apps or software a user might have added to the device.

The Consumer Groups argue that by excluding third-party software from the accessibility rules, the Commission "fails to recognize Congress' intent to bring equal access to consumers who are deaf or hard of hearing by requiring the technology industry as a whole to design devices and services with accessibility as a cornerstone of the user experience."[33/] CTIA understands the concerns expressed by the Consumer Groups, but it is not rational decisionmaking to hold manufacturers responsible for things they cannot control. Moreover, such a requirement would be at odds with "open" systems that make it easy for developers to optimize applications for a variety of devices. The Commission's rules must recognize the practical limitations faced by hardware manufacturers and limit their liability for compliance with accessibility requirements to those device components that they actually manufacture and control.

For this reason, the Commission should also avoid applying shared liability, and in particular joint and several liability, to the manufacturers of hardware and software who supply separate components of a navigation device. The text of Section 205 (assigning liability for accessibility features and functions delivered in software to the software manufacturer and for features and functions delivered in hardware to the hardware manufacturer)[34] makes clear that Congress recognized the importance of clearly assigning liability at each step of the supply

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33/ Consumer Groups at 4 ("[B]y adopting the Advanced Communications Services (ACS) Report and Order and IP Closed Captioning Report and Order definition of 'apparatus,' the Commission is effectively excluding third-party software that is downloaded or otherwise added to the device independently by the consumer after the sale. This exclusion fails to recognize Congress' intent to bring equal access to consumers who are deaf or hard of hearing by requiring the technology industry as a whole to design devices and services with accessibility as a cornerstone of the user experience.").

34/ 47 U.S.C. § 303(bb).

chain, and the Commission should carry out this intent when implementing both Sections 204 and 205.

When a software or hardware component of a particular device fails to meet its accessibility compliance obligations, there can be no joint and several liability. It is critical that every member of the ecosystem have a clear understanding of its role in fulfilling accessibility obligations, and that each step of the chain be responsible only for its own obligations. CTIA agrees with Verizon that "Section 205 assigns various responsibilities to specific parties in the chain of supply for navigation devices, and the Commission should assign liability for remedying non-compliance in accordance with such entity's role in the supply chain. Therefore, imposing 'joint and several liability' on manufacturers and MVPDs would contradict this statutory scheme."[35/] Because there is no justification for holding one entity jointly liable for another's failure to comply, the Commission should assign liability for remedying non-compliance in accordance with such entity's role in the supply chain.

VI. THE COMMISSION SHOULD ADOPT A THREE-YEAR PHASE-IN OF ALL RULES IMPLEMENTING SECTIONS 204 AND 205 OF THE CVAA

The Commission should adopt a uniform phase-in period of three years for all aspects of Sections 204 and 205. While the Commission noted the VPAAC had recommended separate timelines for Sections 204 and 205, as explained by DISH, "the VPAAC's recommendations are based primarily on the timing necessary to develop and implement technical solutions, rather than the practical considerations associated with company compliance plans."[36/]

Ensuring the compliance of multi-function apparatus involves complicated technical and operational issues. As numerous commenters observe, a uniform phase-in period of three years for all aspects of Sections 204 and 205 will offer a bright-line standard for consumers and

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35/ Verizon at 13.

36/ DISH at 14.

covered entities, and permit a smooth transition to full implementation and enforcement of the new rules.[37/] As AT&T explains, "a uniform date will allow for a clear, smooth transition to the new requirements and eliminate confusion that might occur with multiple compliance dates."[38/]

The Commission also should make clear that any rules adopted apply only to devices certified after the effective date. It would be profoundly wasteful and contrary to the basic understanding of fairness to apply any new regulations to devices that have been designed, manufactured, shipped, and stored prior to the rules' effective date.

Further, it is important to clarify when the adopted timelines begin. In previous accessibility orders, the Commission has determined that compliance deadlines refer "to the date of manufacture" without adequately explaining what that phrase means.[39/] For the sake of ensuring that companies are not forced to accept substantial and unnecessary losses on devices that have already been manufactured, the Commission should make clear that any new rules arising from this proceeding do not apply to any devices certified before the rules' effective date.

37/ *See* CEA at 23 ("A uniform phase-in period of three years for all aspects of Sections 204 and 205, instead of the two-year phase-in period for the Section 204 rules proposed."); DISH at 14 ("[T]he Commission should establish a uniform phase-in period for all rules adopted in this proceeding of three years from the date that final rules are published in the Federal Register."); Comcast at 7 ("[T]he Commission should be wary of any approaches that force service providers and device manufacturers to provide solutions in a certain way or that rush development and deployment to satisfy short-term goals rather than encourage continued innovation.").

38/ AT&T at 18.

39/ *See Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 et al., Report and Order and Further Notice of Proposed Rulemaking*, 28 FCC Rcd 4871, 4924, ¶ 77 (2013) ("We clarify that the compliance deadline refers only to the date of manufacture."); *IP Captioning Reconsideration Order*, 28 FCC Rcd at 8798, ¶ 23 ("[T]he January 1, 2014 apparatus compliance deadline refers only to the date of manufacture . . . ."); *Closed Captioning Requirements for Digital Television Receivers, Report and Order*, 15 FCC Rcd 16788, 16808 ¶ 58 (2000) ("DTV Closed Captioning Order") ("[T]he compliance date refers to the date when television receivers must be manufactured with the decoder circuitry . . . ." (footnote omitted)).

VII. CONCLUSION

CTIA appreciates the importance of ensuring that user interfaces and video programming guides and menus for the display or selection of multichannel video programming are accessible to individuals who are hearing or visually impaired. CTIA's members believe that the flexibility to implement appropriate accessibility measures envisioned by Congress in enacting the CVAA is crucial to ensure all consumers equal access to video programming, and urges the Commission to adopt implementing rules consistent with these comments.

Respectfully submitted,

/s/ *Krista Witanowski*

Krista Witanowski
Assistant Vice President, Regulatory Affairs

Michael F. Altschul
Senior Vice President and General Counsel

Scott Bergmann
Vice President, Regulatory Affairs

Matthew B. Gerst
Director, State Regulatory and External Affairs

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1400 Sixteenth Street, N.W.
Suite 600
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(202) 785-0081

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